

DISTRICT ATTORNEY ADVISES ACTION AGAINST BANKS

Desires Authorization From County Commissioners to Bring Either Criminal or Civil Suit--Suggests Employment of Additional Police.

District Attorney P. A. McCarran has addressed a communication to the County Commissioners, which is filled with strong recommendations of immediate and direct benefit to the taxpayers. Mr. McCarran wants authority to go after the money of the county that is shut up in the banks; he requests that more policemen be appointed to the force, that they be given regular beats. The communication is one of the most forcible that has ever emanated from the office of the district attorney. Following is the communication in full:

Tonopah, Nev., Jan. 8, 1908.
To the Honorable Board of County Commissioners:

Dear Sirs—I request that the following be filed and spread upon your minutes as my official opinion and advice in the following matters:

1.—I advise that you count the cash now on hand in Nye county in accordance with law, and in so counting that you take no subterfuge or substitute for actual coin, that if the funds as shown by the books of the treasurer and auditor of Nye county be not on hand that you take immediate steps to ascertain as to its whereabouts, and that you by a resolution duly passed by the Board and spread upon your minutes, authorize me, as Attorney of Nye county, to proceed against any and all persons who now have the custody of money belonging to Nye county, save and except the proper custodian of said money, which under the law is none other than the treasurer.

I advise that a demand be made for the money now in the custody of the several banks of Nye county, it being there only as a trust fund. There is now in the various banks of Nye county, county moneys to the extent of \$55,604.25. This money is the money of the taxpayers. The treasurer is the proper custodian, and should be in times such as these.

I am giving you this as my official advice along these lines, and ask that I be authorized by your Board to proceed either on criminal or civil lines as I may see fit, for the securing of this money, and the protection of the taxpayers of Nye county.

In this respect I have no desire to express my opinion as to the solvency or insolvency of any institution, nor do I propose to favor, nor inflict the law or enforce this rule upon any special one. I believe that in the action which I advise here, we should hew to the line. The Grand Jury are shortly to convene and I will call the same as soon as possible with a view that that Grand Jury may thoroughly investigate the condition of the finances of Nye county and ascertain as to the stability of the money now on deposit in banking institutions.

2.—I advise that the budget of expenses required by law be made up before the adjournment of this meeting, also that the tax rate for the ensuing year be estimated and fixed with a view that the assessment may be more facilitated and less expense be incurred in assessing Nye county for the year 1908.

3.—I earnestly request and advise that more adequate protection be afforded the town of Tonopah in the way of extra police. A cold blooded and dastardly robbery was committed on the morning of the 1st of January, 1908, at an hour when the people of the town least expected the perpetration of such a crime. This is, in my estimation, but the forerunner of an era of crime, which is apt to come within the next few months, by reason of the turmoil and unsettled conditions of affairs in general. With this in view I make the earnest request and ask that this request be spread upon your minutes, together with my official advice, that the police department of Tonopah be furnished with additional officers; that the officers be required to have separate and distinct beats, and to be upon their beat upon all hours during their shift. The officers now on duty in Tonopah are diligent, competent and trustworthy in every respect, but they are too few in numbers. It would be impossible for the present police force in Tonopah to successfully handle a sudden flood or burst of crime, such as often occurs in towns of a similar condition of affairs. As an example of this, I would draw your attention to the city of Reno, which for the last two weeks has been undergoing a series of vicious and bloodthirsty crimes of every nature and description, to such an extent that the adequate police force of that city seemed unable to cope with the situation. This condition may strike us at any time, and we should be prepared to protect the lives and property of our citizens.

I advise that money be devoted along these lines in preference to some other lines to which it is now being devoted.

4.—The town of Manhattan I find decidedly in need of your immediate action along lines of general betterment. That town pays its fair and equal pro rata of taxes, and should receive the benefits that it is entitled to. The main street of the town is at present flooded from time to time with a stream of water which comes from the mines above the town. This water during the winter months will form a sheet of ice upon the main street, dangerous to the traveling public. If diverted from the main street it flows under the buildings on either side, becoming an injury to property.

I advise and recommend that you take immediate steps to provide a suitable means of carrying the water through the main street and beyond the town. This can be done in a practical and inexpensive manner by the construction of a wooden box or flume running along the curbing on one side of the street, carrying the water to a point at which it may be turned loose with safety.

There have been a number of complaints coming in from Manhattan with reference to mills just below Manhattan, known as the Lemon mill and the Wolf mill. They have in the past, and I believe they are now, permitting their water to flow on the public road and some of that water carries cyanide of potassium, which is deadly in its effect, and stock ranging at large about the town of Manhattan is liable to be lost by drinking the water. This has already happened in one or two instances. It is not only dangerous to stock running at large, but it is dangerous to human life. An unsuspecting traveler coming across the desert striking water running down the valley below the town of Central might, to quench his thirst, take a drink of the water, which would, in my estimation, prove fatal.

I beg leave to submit herewith the report of the Grand Jury of the County of Nye in its last sitting, and also in its session prior to the last call. I beg leave to call your attention to each and every recommendation of that body and to request anew that these recommendations be carried out. They were all carefully thought over by that body before being submitted to you, and they are not mere idle thoughts, but are the deliberations and conclusions of the taxpayers of this county, men of business

affairs and men interested in the welfare of the commonwealth. Their voice should be listened to in my estimation by your body and carried out to such an extent as it is in your power to do.

I advise that Ordinance No. 13, providing for a Town Overseer, be officially adopted, and that you proceed under the Ordinance to make your appointment.

5.—I advise that you authorize me by resolution passed at this meeting to meet with the Chief of the Fire Department, and with him draft a set of rules to govern the Fire Department of the town of Tonopah, to be submitted to you for your modification and final acceptance, in order that the Department, which is a paid department, and drawing sustenance from the body of the commonwealth, shall work under a uniform set of rules, to its own betterment, and to its official purpose.

Respectfully submitted,
P. A. McCARRAN.

EIGHT HUNDRED OUT ON STRIKE

CHATTANOOGA, Tenn., Jan. 8.—The Sody Coal Company, operating mines and coke ovens at Rathburn, sixteen miles from here, today closed down their plant. About 800 men are idle. The men resisted a proposed reduction of wages, amounting to 10 per cent.

REDUCE RATES ON STRUCTURAL STEEL

(By Associated Press.)
LOS ANGELES, Jan. 8.—In order to encourage structural steel work in Nevada mills and mines, the Salt Lake and Las Vegas, also the Tonopah railroads, have reduced the tariff on structural steel between this city and Nevada points from \$1.83 a hundred to \$1.17, to become effective February 14th.

RENT STRIKERS GAIN A POINT

(By Associated Press.)
NEW YORK, Jan. 8.—The gloom of the rent strikers was turned to joy today when a large number of evictions threatened by landlords when they had a warrant issued, seemed to dwindle materially. It was difficult to get marshals to handle those that were issued. Many landlords, too, settled with their tenants rather than pay costs of their eviction. Many tenants, frightened by the action of the court, agreed to accept smaller reductions than those first demanded.

FAVOR BRYAN FOR PRESIDENT

(By Associated Press.)
TACOMA, Wash., Jan. 8.—At a meeting of the Democratic State Central Committee held today, Spokane was selected as the place for the holding of the State convention to select ten delegates to the national convention at Denver. A State convention will be held May 18 next. Just before adjournment, the State Central Committee unanimously adopted a resolution favoring Bryan for President.

COLUMBIA GETS DECISION.
(By Associated Press.)
PEORIA, Ill., Jan. 8.—Johnny Coulton of Chicago won the decision over Kid Murphy of New York in a ten-round bout tonight before the Peoria Athletic Club.

AWFUL DEED OF A FIEND

ITALIAN ACCUSED OF MURDERING FOUR PEOPLE IN COLORADO.

(By Associated Press.)

FLORENCE, Colo., Jan. 8.—Anton Bavieri, an Italian truck farmer, is under arrest on suspicion of killing three people, perhaps four, Mrs. Frank Palmetto, Dominick and Joseph Minichiello, brothers, and Ercole Baffoti, all missing. Portions of human bodies were found today near the Arkansas river. It is feared that all four of the missing were murdered, their bodies cut up and thrown into the river. An axe, covered with blood, was found in his hut, and the statement of a Mexican washwoman that she yesterday washed a suit of clothes which was literally covered with blood, are some of the clues that point to Bavieri. Robbery and revenge are believed to be the motives of the suspected murderer.

MATTERS QUIETING DOWN AT MUNCIE

(By Associated Press.)

MUNCIE, Ind., Jan. 8.—Street cars ran today on all the Muncie lines without disturbances. The militia is still conned to its quarters, while the streets are patrolled by 500 business and professional men, sworn as deputies.

WILL WELCOME AMERICAN FLEET

RIO JANEIRO, Jan. 8.—A division of the Brazilian navy, composed of four cruisers, leaves here tomorrow evening for the high seas. It will meet the American fleet at Cape Frio and welcome its arrival to Brazilian waters with appropriate salutes. The American vessels will then be escorted into the harbor here. They will probably anchor some time Saturday.

THREE HUNDRED LIVES ARE LOST

(By Associated Press.)

VICTORIA, B. C., Jan. 8.—Mail advices from South China tell of a terrible fire at Canton, where 300 lives were lost in the burning of a restaurant. A Chinese recently returned from California, bringing a cinematograph machine, and at a wedding feast at the Choi Chan restaurant he gave a cinematograph exhibition. About seven hundred Chinese were crowded into the place to see the pictures, when the film caught fire. There was a panic, during which the burning building collapsed.

EXPLOSION KILLS TWO WORKMEN

(By Associated Press.)

SPOKANE, Jan. 8.—A special dispatch from Sprague says two Italian workmen were killed this morning by a dynamite explosion. Three other men were injured. The explosion resulted from the men digging into an unexploded rock blast, three days old.

BEGIN THEIR SENTENCE.
(By Associated Press.)

MACON, Ga., Jan. 8.—Benjamin D. Greene and John F. Gaynor were taken to Atlanta today to be placed in the Federal prison to begin a four-year sentence for embezzlement of government funds in connection with government work at Savannah harbor.

Esmeralda Members Will Support Sparks

(By Associated Press.)

GOLDFIELD, Nev., Jan. 8.—Governor Sparks will have the support of the four Goldfield members of the legislature at the extraordinary session called for Monday next, for the purpose of enacting legislation for the proper policing of the State. It is said they will also join the assembly in asking the President to retain troops at Goldfield. When the troops were first called here the legislators, together with several county officials, signed a protest to the governor, which is an entire change of front from the action they propose to take at the coming special session.

Receiver Appointed For Great Western

(By Associated Press.)

ST. PAUL, Minn., Jan. 8.—Judge Walter Sanborn of the United States Circuit Court today appointed A. B. Stickney and Charles Smith, both residents of St. Paul, receivers of the Great Western railroad. Stickney is now president of the road. The firm of Kellogg and Severance of St. Paul was appointed attorneys for the receivers. The appointment of receivers followed the inability of the company to meet obligations falling due in 1908, and failing to secure an extension. Loss of the boiler makers strike last fall was given as a partial cause of the financial straits of the road. It was also pointed out at the proceedings today that during the last ten years the road has spent \$19,000,000 in reconstruction. A petition for receivership was filed on behalf of the creditors and finance committee by John Humberg of Minnesota, George Meyer of New York, Ward Cummings and Alexander Wallace of Great Britain. As soon as the petition for complaints was filed, an answer was filed on behalf of the board of directors, who met today and voted to become a party to the receivership proceedings. It is stated that the Great Western owes \$10,653,414, now due or falling due within the next four years, of which notes amounting to \$545,000 have gone to protest. The Macon City and Fort Dodge railroad, a line about 400 miles long, is owned by the Great Western, and mortgaged for \$12,000,000.

Abe Ruef No Longer "Prisoner of State"

(By Associated Press.)

SAN FRANCISCO, Jan. 8.—After being a sort of "prisoner of state" for ten months, kept in a private prison in the custody of an ellisor appointed by the court, with private guards, his own cook, his own automobile in which he was allowed to go out for an airing, or attend to private business matters, Abraham Ruef, former political boss and central figure in the San Francisco bribery graft investigation and prosecution, at 6 o'clock tonight was taken from his comfortable quarters, Fillmore street and Pacific avenue, and placed in a cell in branch No. 2 of the County Jail at Ingleside like an ordinary prisoner. The sending of Ruef to the County Jail was done despite the influences of the bribery graft prosecution and the efforts of Ruef's friends to prevent this action. The district attorney's office opposed the sending of the former political boss to where Schmitz was confined, being apprehensive, it was stated, that contact and conferring of these two political confederates might result in the placing of further obstacles in the way of the prosecution of the bribery graft cases.

SECURING JURY FOR HARRY THAW

NEW YORK, Jan. 8.—The work of securing a jury to try Harry Thaw, charged with murdering Stanford White, was half completed when the court adjourned shortly before six o'clock tonight. The original venire of 300 special service jurors had been exhausted at that hour and the customary night sitting was not held. Two hundred additional talesmen were ordered to report tomorrow morning. The oath of service was administered to three men secured today, making six in all, who have been finally accepted.

MURDERER GETS DEATH PENALTY

LOS ANGELES, Cal., Jan. 8.—Daniel F. Meskill, one of the two men accused of the murder of Policeman Patrick Lyons in this city last November, was this evening found guilty of murder in the first degree by a jury which deliberated half an hour. The verdict carries the death penalty. Hollis Robe, who is accused of being an accomplice of Meskill in a series of holdups, was one of the witnesses.

HEINZE LOSES INTEREST IN BANK

NEW YORK, Jan. 8.—The ownership and principal interest in the Mercantile National Bank passed today from F. Augustus Heinze to Edwin Gould. Heinze and his associates controlled the bank until the collapse of the corner in United Copper stock last October. Gould held a large amount of the stock for a loan negotiated by Heinze during the financial stringency which followed. The collapse in United Copper stock left Heinze unable to take over the stock deposited with Gould today, the institution passed into the latter's ownership.

FAMINE IN DRUG CLERKS.

NEW YORK, Jan. 8.—Although salaries have practically doubled in the last two years, there is a great scarcity of drug clerks in New York today. Many pharmacists are hard put to find assistants, and there seems to be little prospect of a renewal of the former supply. The scarcity is largely accounted for by the strict provisions of the new law which requires graduation from a college of pharmacy as well as four years' actual experience as an assistant before a man is entitled to a certificate as a pharmacist.